

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

(1) MARK SMITH MN 6346
 (Name of Plaintiff) (Inmate Number)

660 State Route 11 Kunkle Creek
 (Address) PA 18621

(2) _____
 (Name of Plaintiff) (Inmate Number)

 (Address)

(Each named party must be numbered,
and all names must be printed or typed)

vs.

CIVIL COMPLAINT

(1) John Wetzel

(2) Vincent E. Mooney

(3) MELISSA MYERS
 (Names of Defendants)

(Each named party must be numbered,
and all names must be printed or typed)

TO BE FILED UNDER: ☒ 42 U.S.C. § 1983 - STATE OFFICIALS

☐ 28 U.S.C. § 1331 - FEDERAL OFFICIALS

**FILED
SCRANTON**

JAN 18 2018

PER [Signature]
 DEPUTY CLERK

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

Section 1, cont.

1. imposed sentence of 1-3 years to a 1-6 years. Smith has utilized the proper GRIEVANCE system which were all denied except for John Wetzel, who is in default because he refuses to answer Smith's GRIEVANCES and appeals, on the premise that Smith is confined illegally. GRIEVANCES sent in Oct. and 1) EC.

Section 2 cont

2. as well, Mooney is the Superintendent for SCI-Retreat. Smith asserts that Mooney is violating the 8th amendment under cruel and unusual punishment. due to his illegal confinement.

Section 3 cont

3. to a 1-6 years and that M.S. Myers aggregated Smith's sentence through the Department of Correction. Myers certified and closed Smith's paperwork on June, 17, 2016, in which was in fact 2 years since Smith's sentence on June 9, 2014

cont.

SECTION 3 CONT

3. Myers claimed on July 19, 2017 per a hearing for Smith, that she has extended Smith's sentence due to the parole act, which is on court record. Smith ascertains that the calculations made by Myers was in fact illegal and didn't have a right to extend the judge's sentence of 1-3 years to a 1-6 years and for Smith to be freed from jail on February 10, 2019.

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes ☐ No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes ☐ No
- C. If your answer to "B" is Yes:
1. What steps did you take? I USED THE GRIEVANCE AND APPEALS SYSTEM AT SLE - RETREAT
 2. What was the result? ALL OF MY GRIEVANCES AND APPEALS WERE DENIED
- D. If your answer to "B" is No, explain why not: N/A

III. DEFENDANTS

- (1) Name of first defendant: JOHN WETZEL
 Employed as SECRETARY at DEPARTMENT OF CORRECTIONS
 Mailing address: 1920 TECHNOLOGY PARKWAY MECHANICSBURG PA 17050
- (2) Name of second defendant: VINCENT E. MOONEY
 Employed as WARDEN at SLE - RETREAT
 Mailing address: 600 STATE ROUTE 11 HUNTSVILLE PA 15621
- (3) Name of third defendant: MELISSA MYERS
 Employed as RECORDS SPECIALIST at DEPARTMENT OF CORRECTIONS
 Mailing address: 1920 TECHNOLOGY PARKWAY MECHANICSBURG PA 17050

(List any additional defendants, their employment, and addresses on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets if necessary.)

1. JOHN WETZEL HAS BEEN NOTIFIED ON SEVERAL OCCASIONS THAT SMITH IS BEING IMPRISONED ILLEGALLY AND THAT THE DEPARTMENT OF

- corrections did aggregate smiths judicially
2. Vincent mooney was also grievanced on several occasions and he has denied that smith is being illegally imprisoned since february 10, 2017. any appeals have never been answered
 3. Melissa Myers a Records Specialist for the department of correction is the person that calculated smith sentence passed his original judicially imposed sentence from a 1-3 years

V. RELIEF

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. Smith would like his complaint to be heard in the civil manner and because the department of corrections to release him was not an issue at his PCR hearing.
2. Smith is in prison illegally and would like to be compensated for his illegal imprisonment under the 8th amendment under cruel and unusual punishment.
3. Smith is on a Resident Therapy unit and feels that stress and depression has set in due to his illegal sentence and to sue the D.O.C. for aggregating his sentence

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1 day of 13, 2018.



(Signature of Plaintiff)

MARK SMITH
660 State Route 11
Hunlock Creek, PA 18621

RECEIVED
SCRANTON

JAN 18 2018

PEH

DEPUTY CLERK

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DEPT. OF CORRECTIONS

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